

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

DEBORAH M. DEMACK,

Plaintiff,

v.

CIV 10-0288 KBM/WDS

OFFICE OF THE ATTORNEY GENERAL  
of the State of New Mexico,

Defendant.

ORDER DENYING MOTION FOR RECONSIDERATION  
AND FOR PROTECTIVE ORDER

THIS MATTER is before the Court on Plaintiff's "Motion for Protective Order re Attorney-Client Communications and Reconsideration of Order" (*Doc.226*). The Court has reviewed the motion and briefs submitted by the parties and the relevant authorities. I am persuaded that

with regard to communications after September 28, 2012, only those confidential communications between the two that relate to Mr. Faber's limited representation could possibly be considered privileged. As both Plaintiff and Mr. Faber have made clear, Plaintiff proceeds pro se in all matters except the settlement conference, and so to the extent that communications between the two regard matters other than Mr. Faber's limited representation, such communications cannot be considered privileged. In re Sulfuric Acid Antitrust Litig., 235 F.R.D. 407, 415 (N.D. Ill. 2006) ("The privilege is limited to situations in which the attorney is acting as a legal advisor").

*Doc. 243* at 6 (Defendant's Response Brief). Defendants' response thoroughly explains why Plaintiff cannot "retroactively" create an attorney-client privilege for conversations before engaging a lawyer's services and why the privilege applies only to matters for which the attorney has been engaged. I incorporate herein that rationale.

I also decline to reconsider my ruling that Plaintiff failed to meet her burden in establishing work product protection for any of her communications with Mr. Faber prior to retaining him to represent her at a settlement conference. Plaintiff completely failed to submit any privilege log in support of her claims of privilege or work product.

Wherefore,

**IT IS HEREBY ORDERED** that Plaintiff's Motion (*Doc.226*) is **denied**.

  
UNITED STATES CHIEF MAGISTRATE JUDGE